

**REMARKS**

Claims 1, 4-9 and 11 are pending in this application. By this Amendment, claims 1, 8, 9 and 11 are amended. Claims 2, 3 and 10 are canceled without prejudice to, or disclaimer of, the subject matter recited therein. Support for the amendments can be found, for example, in the specification (see paragraph [0028]). No new matter is added.

Entry of the amendments is proper under 37 C.F.R. §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the Final Rejection. Entry of the amendments is thus respectfully requested.

In view of the foregoing amendments and the following remarks, reconsideration and allowance of the claims are respectfully requested.

**I. Objection To The Claims**

The Office Action objects to claim 10 due to informalities. By this Amendment, claim 10 is canceled, thus rendering the objection moot. Accordingly, withdrawal of the objection is respectfully requested.

**II. Rejection Under 35 U.S.C. §103**

The Office Action rejects claims 1-11 under 35 U.S.C. §103(a) over European Patent No. 1,028,359 A1 to Shiozawa et al. ("Shiozawa"). By this Amendment, claims 2, 3 and 10 are canceled, thus rendering the rejection moot as to those claims. As to the remaining claims, Applicants respectfully traverse the rejection.

Claim 1 recites, *inter alia*, "A discrimination medium comprising...wherein ... when the discrimination medium is viewed at a predetermined angle, a first reflection light reflected

by the cholesteric liquid crystal layer and a second reflection light reflected by the multilayer film are approximately equal to or different from each other in color, the first reflection light is circularly polarized light having a predetermined center wavelength and a predetermined polarization direction, and the second reflection light includes circularly polarized light having a circularly polarized direction opposite to that of the first reflection light.” Claims 8, 9 and 11 recite similar features. For at least the following reasons, Shiozawa would not have rendered obvious the above features of claims 1, 8, 9 or 11.

As shown for example in the specification, Applicants’ claimed discrimination medium device comprises multilayer film **103** fixed onto an article **101** by an adhesive layer **102** (specification, Fig. 1). A cholesteric liquid crystal layer **106** is fixed onto the multilayer film **103** by a second adhesive layer **104**, and a surface protection layer **106** is provided on top of the cholesteric liquid crystal layer **106** (*Id.*). In embodiments of the claimed device, when the discrimination medium is viewed at a predetermined angle, light reflected by the cholesteric liquid crystal layer and light reflected by the multilayer film are approximately equal, or different from each other, as recited in claim 1, and similarly in claims 8, 9 and 11. By providing a multilayer film disposed below a cholesteric liquid crystal layer, the “multilayer film having a stacked structure in which first light transparent films having a first refraction index and second light transparent films having a second refraction index are alternately laminated in a thickness direction, the first light transparent film and the second light transparent film have an interface therebetween, and the interface repeatedly exists and reflects light so as to generate interfering light,” as recited in claim 1, and similarly in claims 8, 9 and 11, the following optical effects are achieved. None of these optical effects would have been rendered obvious by the disclosure of Shiozawa to one of ordinary skill in the art at the time of the invention, without the benefit of Applicants’ specification.

First, the cholesteric liquid crystal layer **106** selectively reflects circularly polarized light having a certain wavelength, whereas circularly polarized light of a different wavelength is reflected by the multilayer film **103**. With reference to Figs. 3 and 4, Fig. 3 shows a cholesteric liquid crystal layer **106** that selectively reflects right-handed circularly polarized light having a predetermined wavelength, and transmits left-handed circularly polarized light and right-handed circularly polarized light having a wavelength other than the predetermined wavelength. The transmitted light is reflected by the multilayer film **103**, and at this time, the polarization direction of the light is inverted (specification, Figs. 1, 3 and 4). As a result, the circularly polarized light reflected by the multilayer film **103** transmits through the cholesteric liquid crystal layer **106** and passes therethrough via the reverse route with respect to the incident light, and thereby transmits to the viewing surface (see specification, Fig. 4).

Second, while keeping the above framework in mind, when Applicants' discrimination medium is viewed through a first optical filter that allows only circularly polarized light that was reflected by the cholesteric liquid crystal layer **106** to pass through, the circularly polarized light reflected by the multilayer film **103** is not capable of being viewed, since the polarization direction of the light is inverted and thus only the circularly polarized light reflected by the cholesteric liquid crystal layer **106** is viewed in this instance (see, e.g. specification, paragraph [0036]) However, when the first optical filter is switched with a second optical filter that allows only circularly polarized light having an inverse polarization direction to pass therethrough, this time circularly polarized light reflected by the multilayer film **103** is capable of being viewed, instead of the circularly polarized light reflected by the cholesteric liquid crystal layer **106**.

Third, because the circularly polarized light reflected by the multilayer film **103** has a different wavelength than circularly light reflected by the cholesteric liquid crystal layer **106**, the color of both sets of light, respectively, are different. Thus, when the second optical filter

is used, the color in view is changed according to the viewing angle, within a color range that is *different* from that of the circularly polarized light reflected by the cholesteric liquid crystal layer **106**. Such a change of color is not capable of being viewed with the first optical filter, as mentioned above.

All of the above optical effects are achieved by the design of Applicants' device, and thus when the discrimination medium is viewed at a predetermined angle, a first reflection light reflected by the cholesteric liquid crystal layer and a second reflection light reflected by the multilayer film are approximately equal to or different from each other in color, the first reflection light is circularly polarized light having a predetermined center wavelength and a predetermined polarization direction, and the second reflection light includes circularly polarized light having a circularly polarized direction opposite to that of the first reflection light, as recited in claim 1, and similarly in claims 8, 9 and 11.

Shiozawa merely discloses a device in which a hologram forming layer **11a** is formed below a reflective film **11** when the discrimination medium is viewed at a predetermined angle, a first reflection light reflected by the cholesteric liquid crystal layer and a second reflection light reflected by the multilayer film are approximately equal to or different from each other in color, the first reflection light is circularly polarized light having a predetermined center wavelength and a predetermined polarization direction, and the second reflection light includes circularly polarized light having a circularly polarized direction opposite to that of the first reflection light, that reflects only either of right-handed circularly polarized light and left-handed circularly polarized light to produce reflected light (Shiozawa, paragraph [0031]). The hologram forming part **11a** reflects light of the same circular polarization as the reflective film **11**, and light reflected by the hologram forming layer **11a** is typically more weak compared to that of a cholesteric liquid crystal layer (see, e.g. Shiozawa, Fig. 3). As a result, the optical effects and function of Shiozawa are entirely different from

that of Applicants' device, and Shiozawa fails to provide any reason or rationale for one of ordinary skill in the art to have modified Shiozawa in the exact manner necessary to have achieved Applicants' claimed device and optical effects, without the benefit of Applicants' specification, and without destroying the desired structure and effect of Shiozawa.

The Office Action asserts that because Shiozawa discloses that the multi-layered films "may be any one of mediums having optical selective reflectivity and circularly polarized light selectivity," one of ordinary skill in the art would have been allegedly motivated to modify the device of Shiozawa in the exact manner necessary to obtain Applicants' claimed device (Office Action, page 4). However, the significant differences between the optical effects and design of Applicants' claimed device and Shiozawa's device are not related to the chemical medium and would certainly not be achieved by merely modifying the medium(s) of the film (e.g. polymer films formed through fixation of cholesteric liquid crystal orientation, films formed by dispersing a cholesteric liquid crystal in mediums and/or various high-molecular or low-molecular weight cross-linked crystals; see Shiozawa, paragraphs [0033] to [0035]). Mere changes in the chemical medium, all to obtain the same reflective film 11 of Shiozawa cannot be considered a sufficient reason, rationale or motivation for one of ordinary skill in the art to have modified the device of Shiozawa in the exact manner necessary to have obtained Applicants' device and distinctive optical effects, for at least the reasons set forth above.

In view of the foregoing, Shiozawa would not have rendered claims 1, 8, 9 and 11 obvious. The remaining claims variously depend from claim 1 and, likewise, also would not have been rendered obvious by Shiozawa. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

**III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Sarah Lhymn  
Registration No. 65,041

JAO:SQL/jth

Date: March 23, 2010

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 320850**  
**Alexandria, Virginia 22320-4850**  
**Telephone: (703) 836-6400**

<p><b>DEPOSIT ACCOUNT USE AUTHORIZATION</b></p> <p>Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461</p>
---